

KEVIN T. CONWAY, ESQ.  
ATTORNEY AT LAW  
LICENSED IN  
N.Y., N.J., CT.

*664 Chestnut Ridge Road  
Spring Valley, NY 10977  
Tel: (845) 352-0206  
Fax: (845) 352-0481*

*c/o DeCotis, Fitzpatrick, Cole & Giblin, LLC  
500 Frank W. Burr Blvd., Ste. 31  
Teaneck, NJ 07666  
Tel: (201) 928-1100*

April 25, 2018

The Honorable Judge Sarah Netburn  
Daniel Patrick Moynihan  
United States Courthouse  
40 Foley Square  
New York, NY 10007-1312

***Re: 1:17-cv-09135-SN, Malibu Media, LLC v. John Doe Assigned IP Address 209.122.119.157 - Plaintiff's Second Letter-Motion to Adjourn the Initial Rule 16 Scheduling Conference on April 27, 2018 at 12:00 p.m.***

Dear Judge Netburn:

I represent Plaintiff, Malibu Media, LLC, in the above-referenced matter. Please allow this letter to serve as a motion to adjourn the Initial Pre-Trial Conference scheduled for April 27, 2018 at 12:00 p.m.

This matter has been filed as a John Doe, the Internet subscriber assigned the referenced IP address, wherein Plaintiff is claiming defendant's direct infringement of several of Plaintiff's works through the BitTorrent protocol. The defendant's name and address is presently known to Plaintiff. On December 8, 2017, Plaintiff filed a motion (D.E. 11) for leave to serve a third-party subpoena on the referenced IP address via its internet service provider, RCN Telecom Services, LLC ("RCN"). Pursuant to the Court's Order of December 12, 2017 (D.E. 17), Plaintiff served RCN with said subpoena. On or about February 1, 2018, RCN responded providing defendant's identifying information. On February 23, 2018, Plaintiff amended complaint (D.E.24) and filed the Affidavit of Service on 03/05/2018 (D.E.27).

At this time, Plaintiff is in communication with Defendant's counsel and was advised by Defendant's counsel that she has a previously scheduled hearing on April 27, 2018. Additionally, Plaintiff's counsel also has a previously scheduled hearing for April 27, 2018 in Ocean County, New Jersey at 9:00 a.m. and therefore, will not be able to attend the conference. Due to the conflict in schedules, for both parties, it will not be possible for Plaintiff's and Defendant's

counsel to attend this conference. As such, Plaintiff is respectfully requesting an adjournment of the Initial Pre-Trial Conference to a later date. The parties have conferred and Plaintiff's Letter Motion to Adjourn the Initial Pretrial Conference is unopposed.

WHEREFORE, we respectfully request that this Court grant Plaintiff's motion for an adjournment of the conference on April 27, 2018.

Respectfully Submitted,

By: /s/ Kevin T. Conway  
Kevin T. Conway (KC-3347)  
664 Chestnut Ridge Road  
Spring Valley, NY 10977-6201  
T: (845) 352-0206  
F: (845) 352-0481  
ktcmalibu@gmail.com  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway  
Kevin T. Conway (KC-3347)  
ktcmalibu@gmail.com664  
Chestnut Ridge Road  
Spring Valley, NY 10977-6201  
T: (845) 352-0206  
F: (845) 352-0481  
*Attorneys for Plaintiff*